

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH MARTIN,)	
)	CASE NO. C12-2179-RSL-MAT
Petitioner,)	
)	
v.)	
)	ORDER RE: PENDING MOTIONS
JEFFREY UTTECHT,)	
)	
Respondent.)	
_____)	

Petitioner Kenneth Martin proceeds *pro se* in this habeas corpus matter pursuant to 28 U.S.C. § 2254. Respondent submitted a Motion to Disclose Evidence (Dkt. 10) and petitioner submitted a Motion for Stay and Abeyance of Habeas Corpus Petition During Extension of Time (Dkt. 11). Having considered the pending motions, and the balance of the record, the Court does hereby find and ORDER as follows:

(1) Petitioner's motion for stay and abeyance (Dkt. 11) is DENIED. Petitioner's concern that the timeliness of his petition could be affected by the extension of time granted respondent to file an answer is unwarranted. While the Court is not yet in a position to

01 consider the timeliness of the habeas petition, that determination is based on the filing of the
02 petition itself, not respondent's answer.

03 (2) Respondent's motion to disclose evidence (Dkt. 10) is GRANTED.¹
04 Respondent observes that petitioner, in the memorandum of law filed after his petition (*see* Dkt.
05 7), references a number of documents not submitted with either his petition or the
06 memorandum. The Court agrees that, in order for respondent to properly respond to
07 petitioner's contentions, he must have the opportunity to consider the documents relied upon by
08 petitioner. As such, petitioner shall provide to respondent and the Court, on or before **March**
09 **12, 2013**, copies of all emails and other documents referenced in the document appended to his
10 memorandum of law following Appendix 10, at pages 1-3, and his habeas petition at Ground
11 Two, as well as the "sequence of events letter given July of 2009" as referenced in Ground
12 Three of the habeas petition under "Supporting Facts." (*See* Dkts. 1 & 7.) As further requested
13 by respondent, petitioner shall organize the emails and other documents in chronological order,
14 as described in his memorandum's outline following Appendix 10, at pages 1-3.

15 (3) The Clerk shall direct copies of this Order to the parties and to the Honorable
16 Robert S. Lasnik.

17 DATED this 19th day of February, 2013.

18
19 
20 Mary Alice Theiler
21 United States Magistrate Judge

22 _____
1 The Court addresses this motion prior to the noting date in order to allow for the submission of the requested materials prior to the due date of respondent's answer.